

# SUMMARY OF GILL NET LAWS & REGULATIONS FOR VIRGINIA TIDAL WATERS

## I. LICENSING INFORMATION

Any person desiring to fish a gill net for non-commercial purposes may purchase a Recreational Gill Net License, for one gill net up to 300 feet in length. Only one Recreational Gill Net License shall be issued per applicant and the license is not transferable [Code 28.2-226.1, 28.2-226.2, Regulation 4 VAC 20-670-20].

Any person desiring to fish any amount of gill net for commercial purposes in Virginia tidal waters must first obtain a Commercial Registration License (\$190 or \$90 for age 70 and older). In addition, a Non-resident Harvesters License (\$444 fee) is required for non-residents. Anchor and drift gill net licenses can be purchased from VMRC licensing agents. Stake gill net licenses can only be obtained from the Marine Police Officer in charge of that district. All licenses are valid for that calendar year and expire December 31 in the year issued. License tags for stake, anchor or drift gill nets shall be fastened to one of the offshore stakes, flagstuffs, or buoys that is visible from the surface [28.2-225, 28.2-227, 28.2-241, 28.2-234, 4 VAC 20-20-10 ET SEQ., 4 VAC 20-60-20, 4 VAC 20-610-10 ET SEQ., 4 VAC 20-730-20, 4 VAC 20-1090-30].

### ANNUAL LICENSE FEES

#### **Recreational:**

- One gill net up to 300 feet in length .....\$ 9.00

#### **Commercial:**

- Each stake gill net of 1200 feet in length or under, with a fixed location .....\$24.00
- All other gill nets up to 600 feet.....\$16.00
- All other gill nets over 600 feet and up to 1200 feet.....\$24.00 [4 VAC 20-1090-30]

## II. MARKING REQUIREMENTS – For Any Drift or Anchor Gill Nets

- A square flag (minimum size of 144 square inches) must mark one end of the net.
- The opposite end of the net must be marked by either a triangular flag (minimum size of 144 square inches) or by a floating ball (minimum circumference of 50 inches).
- Bottom of flags must be maintained 3 feet above water.
- Both flags or flag and ball marking the net must be the identical color.
- Flag staffs must be marked with at least two stripes of 2 inches wide reflective material that shall be visible from all sides; end-marker floating balls must be marked on three sides with patches of reflective material (2 inches by 2 inches) and be visible from all sides above the water. [4 VAC 20-430-20]
- Both end-marker buoys of a commercial gill net must be inscribed with the last four numbers of the licensee's Commercial Registration License [4 VAC 20-430-55].

## **MARKING REQUIREMENTS continued**

- Buoys of any gill net used for recreational purposes must be marked with the licensee's last 4 numbers of his/her social security number or driver's license number (at least 1 inch high), preceded by the letter "R" [4 VAC 20-670-40].

## **MARKING PROCEDURES - For Staked Gill Nets**

When a net is either hung on its poles, dropped into fishing position, or being fished:

- A square flag with a minimum size of 144 square inches must mark both ends of the gill net.
- Flags must be suspended at least 2 feet above the water.
- Flags must be of blaze-orange color.
- Each pole must be marked at least 2 feet above the water with either reflectors (at least 2 inches in diameter) or reflective tape (at least 2 inches wide) that shall be visible from all sides. [4 VAC 20-430-30].

## **UPRIVER WHITE PERCH AND STRIPED BASS FISHERY EXEMPTION**

- A blaze-orange floating buoy, at least 3 1/2 inches in diameter, must be attached to both ends of gill net.
- Applies only from December 1 through March 15 in designated areas:  
James River: Upstream from a line connecting College Creek and Hog Point.  
York River: Upstream from a line connecting the southern most point of the northern headland of Poropotank Bay and Croaker Landing.  
Rappahannock River: Upstream from a line connection Greenvale Creek and Weeks Creek - [4 VAC 20-430-40]

## **DRIFT GILL NET FISHERY EXEMPTION**

- Both end-marker buoys and all floats in between must be blaze-orange in color or covered by fluorescent paint.
- Applies only from February 15 through May 31 in designated areas:  
James River: Upstream of the Jamestown Ferry Docking Station.  
Mattaponi and Pamunkey Rivers: Upstream of the Rt. 33 bridges at West Point.  
Rappahannock River: Upstream of Rt. 360 Bridge at Tappahannock [4 VAC 20-430-50].

## **III. SEASON AND TIME RESTRICTIONS**

From January 1 through March 25, it is unlawful to set or fish gill nets with stretched mesh size between 3 ¾ inches and 6 inches within the restricted areas described below, except that during February any legally licensed fisherman may set or fish gill nets with stretched mesh size from 5 inches to 6 inches within the restricted areas described below. From March 26 through June 15, it is unlawful to set or fish gill nets with stretched mesh size greater than 6 inches within the restricted areas described below except as described by [4 VAC 20-252-135].

## **SEASON AND TIME RESTRICTIONS continued**

James River: Upstream of a line connecting Willoughby Spit and Old Point Comfort.

Back River: Upstream of a line connecting Factory Point and Plumtree Point.

Poquoson River: Upstream of a line connecting Marsh Point and Tue Point.

York River: Upstream of a line connecting Tue Point and Guinea Marshes.

Mobjack Bay: Upstream of a line connecting Guinea Marshes and New Point Comfort.

Milford Haven: Upstream of a line connecting Rigby Island and Sandy Point.

Piankatank River: Upstream of a line connecting Cherry Point and Stingray Point.

Rappahannock River: Upstream of a line connecting Stingray Point to Windmill Point  
[4 VAC 20-751-20].

- From April 1 through May 31, the spawning reaches of the James, Pamunkey, Mattaponi and Rappahannock Rivers are closed to stake and anchor gill nets. Drift gill nets may be set and fished in these areas, provided that the fisherman remains with the net while it is fishing and all striped bass caught must be returned to the water immediately [4 VAC 20-252-20. and see 4 VAC 20-252-20 for defined boundary lines].
- From May 1 through June 7 and during the hours of 7:00 A.M. to 8:30 P.M., it is unlawful to set or fish any gill nets or trotlines within the Special Lower Bay (Cabbage Patch) Management Area (see 4 VAC 20-320-50 for defined boundary lines).
- From May 1 through June 30, it is unlawful for any person to have aboard any vessel or to place, set, or fish more than 8400 feet of gill net. In addition, during this period, it is unlawful for any person to have any gill net that is made, set, or fished in a tied-down manner (connection the net's head rope and foot rope with lines, which cause the net to form a pocket of webbing) in the Chesapeake Bay [4 VAC 20-751-20].
- From May 1 through December 31, it is unlawful for any person to use tie-downs in any gill net set or fished in the Virginia portion of the Territorial Sea [4 VAC 20-1080-40].
- From May 15 through September 15, it is unlawful to set or fish any gill net within 400 feet of the shoreline in the area bounded by the Hampton Roads Bridge-Tunnel eastward to Cape Henry and south to the southern oceanfront boundary of the U.S. Dam Neck Military Base [4 VAC 20-680-30].
- It is unlawful for any person fishing with gill net to possess any grey trout less than 12 inches in length. The closed seasons on harvesting grey trout by gill net are May 14 through October 20 and December 31 through March 15: however during any closed gill net season, the possession limit for grey trout taken as by-catch in other directed fisheries shall be the lesser of 900 pounds or an amount equal to the number of registered commercial fishermen or seafood landing licensees on board multiplied by 300 pounds [4 VAC 20-380-10 SEQ.].

## **SEASON AND TIME RESTRICTIONS continued:**

- From the Friday immediately preceding Memorial Day through Labor Day and from 7:00 A.M. to 5:00 P.M., it is unlawful to set or fish any gill nets within the Hampton Roads Management Area (see 4 VAC 20-470-20 for defined boundary lines).
- From the Friday immediately preceding Memorial Day through September 15, unimpeded breaks of 500 feet between adjacent rows of gill nets are required along the southern oceanfront boundary of the U. S. Dam Neck Military Base south to the NC border. Gaps between such gill nets in the same row shall occur no less than every 2000 feet and all gill nets must be set at least 400 feet seaward from the mean high water mark [28.2-308].
- From June 1 through October 31, it is unlawful to set or fish any gill nets in the Eastern Shore Bayside Creek Management Areas (see 4 VAC 20-480-20 for defined boundary lines).
- From December 1 through April 30, it is unlawful to use a haul seine, gill net, or stationary net of any kind in Broad or Linkhorn Bays [4 VAC 20-10-20].
- From June 1 through June 30, it is unlawful for any person to have aboard any vessel or to use a gill net with a stretched mesh greater than 6 inches in the Virginia portion of the Territorial Sea, south of a line connecting Smith Island Light and the Three-Mile Limit Line [4 VAC 20-751-20].

## **NEW FEDERAL COASTAL MAXIMUM MESH SIZE AND TENDING REQUIREMENTS**

- A. From April 1 through January 14 it is unlawful for any person to place, set or fish any gill net with a stretched mesh of greater than or equal to 7 inches in Virginia waters, east of the COLREGS Line and north of the NC-VA border and south of Wachapreague Inlet (37°34.6'N) [4 VAC 20-430-65A]. However, Black Drum permitted fishermen are exempt from the maximum gill net mesh size during April, May, and June, provided that fishermen set and fish only floating gill nets [4 VAC 20-320-65 A]. Coastal Area permitted Striped Bass fishermen are exempt from the maximum gill net mesh size during November and December [4 VAC 20-252-135 A] and may fish only during the period of 1 hour before sunrise to 1 hour after sunset.
- B. From 1 hour after sunset to 1 hour before sunrise, June 1 through October 31, it is unlawful for any person to place, set or fish any gill net with a stretched mesh of greater than 5 inches, east of the Chesapeake Bay Bridge Tunnel and north of the NC-VA border and south of the MD-VA border, in Virginia waters, unless that fisherman remains within 0.5 nautical miles of the closest portion of each anchored gill net and removes all such gear from the water and stows it on board before the vessel returns to port.

## **NEW FEDERAL COASTAL MAXIMUM MESH SIZE AND TENDING REQUIREMENTS continued**

- C. From April 16 through January 14, it is unlawful for any person to place, set or fish any gill net with a stretched mesh of greater than or equal to 7 inches, in Virginia waters, east of the COLREGS Line and north of Wachapreague Inlet (37°34.6'N) and south of Chincoteague (37°56°) [4 VAC 20-430-65 B]. However, Black Drum permitted fishermen are exempt from the maximum gill net mesh size during April, May and June, provided that fishermen set and fish only floating gill nets [4 VAC 20-320-65 A]. Coastal Area permitted Striped Bass fishermen are exempt from the maximum gill net mesh size during November & December [4 VAC 20-252-135 A] and may fish with exempted gear only during the period of 1 hour before sunrise to 1 hour after sunset.
- D. From one hour after sunset to one hour before sunrise, during November 1 through December 31, it is unlawful for any person to place, set or fish any gill net with a stretched mesh of greater than or equal to 7 inches, east of the Chesapeake Bay Bridge Tunnel and north of the NC-VA border and south of the MD-VA border, in Virginia waters. All gill nets and haul seines will be required to have to have identification tags every 100 yards with owner ID, gear mesh, and a unique identification number.

### **IV. GEAR RESTRICTIONS**

- No gill net may exceed 1,200 feet in length [28.2-301, 28.2-307].
- Gill net minimum stretched mesh size is 2-7/8 inches, except that tarred mullet nets (less than 200 yards) may have a minimum stretched mesh size of 2 inches, with a 15% allowance of the total daily catch (by weight) for other species. A second exception is that from February 1 through May 31, drift gill nets may have a minimum stretched mesh size of 2 inches, only for the harvest of river herring in designated areas (James River – upstream of the Jamestown Ferry Docking Station; Mattaponi & Pamunkey Rivers – upstream of the Route 33 bridges at West Point; and Rappahannock River – upstream of the Route 360 bridge at Tappahannock [28.2-305, 4 VAC 20-430-60]).
- A mullet gill net may be no deeper than 40 meshes [28.2-305].
- Any gill net not assigned a fixed location must be set in a straight line, have no greater depth than 330 inches and shall be fished no closer than 200 feet to any other such gill net. No part of any such gill net shall be closer than 200 feet to any part of any other such gill net. This 200 feet distance does not apply to those gill nets not assigned a fixed location, which are set and fished in the Chesapeake Bay tributaries [4 VAC 20-220-20].
- A staked gill net is a fixed fishing device assigned to a fixed location, and shall be perpendicular to the shoreline insofar as possible [4 VAC 20-20-30].

## **GEAR RESTRICTIONS continued**

- No gill net shall be set or fished with 300 feet of any bridge, bridge-tunnel, jetty or pier during any open recreational striped bass season, except from midnight Sunday through midnight Wednesday (see 4 VAC 20-252-10 ET SEQ. for details of open recreational striped bass seasons).
- No gill net shall be set or fished with 250 yards from either span of the Chesapeake Bay Bridge Tunnel, or within 300 yards of the sides or end of a commercial fishing pier [28.2-302, 4 VAC 20-80-20].
- Clear and unobstructed intervals of at least 200 feet shall be maintained between successive fishing structures in the same row, and adjoining rows of fishing structures shall be at least 300 yards apart. A 200 feet wide clear passageway is required from all regular navigable channels to all established boat landings. No gill net may be set or fished within 300 yards of any fixed fishing device, unless it is in the same row [28.2-307].
- It is unlawful to fish a net across a body of water that is longer than one-fourth the width of the body of water at mean low water [28.2-309].
- It is unlawful to fish nets other than menhaden nets, in any portion of a marked channel, except that this does not apply to the seaside of Eastern Shore [28.2-309].
- It is unlawful to set or fish any net that is a hazard to navigation [28.2-309].
- No gill net shall be set or fished with 500 yards below the Chickahominy Dam at Walker's on the Chickahominy River [28.2-311].
- Stakes or poles used to support gill nets must project at least 4 inch above the surface of the water at all stages of the tide, and all abandoned poles must be removed, except that one may be left standing as an identification marker [28.2-307, 28.2-237].
- It is unlawful to set any gill net and let the net remain unfished [4 VAC 20-170-20, 4 VAC 20-550-20].
- It is unlawful to set, fish or have in the water, any gill net within the defined boundaries of the following artificial reef sites: Anglers Reef, Back River Reef, Cabbage patch Reef, Cell Reef, Cherrystone Reef, East Ocean View Reef, Gwynn Island Reef, Middle Ground Reef, Nassawadox Reef, Northern Neck Reef, and Occohanncok Reef (see 4 VAC 20-755-20 for reef boundary locations).

## **PERTINENT FEDERAL GILL NET RESTRICTIONS**

### **SEA TURTLE RESTRICTIONS:**

The NMFS closed the Mid-Atlantic Exclusive Economic Zone (EEZ) waters to fishing with gill nets with a mesh size larger than 8 inch stretched mesh, effective March 15, 2002.

For Virginia, the areas restricted to fishing with gill nets larger than 8 inches include: EEZ waters north of 36 22.5'N (Currituck Beach Light, NC) and south of 37 34.6'N (Wachapreague Inlet, VA) – from **April 1 through January 14**; and EEZ waters north of 37 34.6'N (Wachapreague Inlet, VA) and south of 37 56.0'N (Chincoteague, VA) – from **April 16 through January 14**.

### **ATLANTIC LARGE WHALE TAKE REDUCTION PLAN:**

Regulated waters include all U. S. waters in the Atlantic except certain exempted areas.

For Virginia fishermen, exempted areas where these regulations do not apply include Chesapeake Bay waters west (landward) of the Chesapeake Bay Bridge Tunnel and waters inside the Eastern Shore Bays and Inlets.

From **December 1 through March 31**, no person may fish with anchored gill net gear in the Mid-Atlantic Coastal Waters Area unless that person's gear complies with the gear marking and area-specific requirements summarized below.

*A. Buoy line and net panel weak links.* All buoy lines must be attached to the main buoy with a weak link placed as close to the buoy as operationally feasible. Weak links must also be inserted in the center of the floatline of each 50-fathom (300-ft) net panel in a net string or every 25 fathoms for longer panels. Weak links must meet the following specifications:

- 1) The weak link must be chosen from the following list of combinations approved by the NMFS gear research program (swivels, plastic weak links, rope, hog rings, or other approved materials or devices).
- 2) The breaking strength of these weak links may not exceed 1100 lb (498.8 kg).
- 3) Weak links must be designed such that the bitter end of the buoy line is clean and free of any knots when the link breaks. Splices are not considered to be knots.

*B. Tending/anchoring.* All gill nets must return to port with the vessel or be anchored at each end with an anchor capable of the holding power of at least a 22-lb (10 kg) Danforth-style anchor.

## **HARBOR PORPOISE TAKE REDUCTION PLAN:**

For Southern Mid-Atlantic state waters (Maryland, Delaware, Virginia and North Carolina) and U. S. waters off the southern Mid-Atlantic out to 72 30' W longitude.

For Virginia fishermen, exempted area where these regulations do not apply include Chesapeake Bay waters west (landward) of the Chesapeake Bay Bridge Tunnel and waters inside the Eastern Shore Bays and Inlets.

The southern Mid-Atlantic waters are closed **February 1 through April 30** to vessels using large or small gill net gear unless the gill net gear meets the gear modifications specified below.

### **Management Measures for the Large Mesh Gill Net Fishery in the Mid-Atlantic** ***(Includes Gill Net with Mesh Size from 7 Inches to 18 Inches)***

Floatline length: Less than or equal to 3900 feet

Twine size: Greater than or equal to 0.90 mm

Tie downs: Required

Net cap: 80 nets (nets are 300 feet long); all nets must be tagged

Time/area closures: Southern Mid-Atlantic waters out to 72 30' W. longitude. Southern Mid-Atlantic waters are closed from **February 15 through March 15** for large mesh gear.

### **Management Measures for the Small Mesh Gill Net Fishery in the Mid-Atlantic** ***(Includes Gill Net with Mesh Size Greater Than 5 Inches Less Than 7 Inches)***

Floatline length: Less than or equal to 2118 feet

Twine size: Greater Than or equal to 0.81 mm

Net cap: 45 nets (nets are 300 feet long); all nets must be tagged

## **RECREATIONAL RESTRICTIONS**

- Any license to use fishing gear for recreational purposes shall be issued to an individual for his exclusive use and shall not be transferable [4 VAC 20-670-20].
- No person shall be issued more than one recreational gill net license [4 VAC 20-670-20].
- Any law or regulation applying to the setting or fishing of commercial gill nets shall also apply to gill nets when set or fished for recreational purposes, except for the marking requirements [4 VAC 20-670-30 and 4 VAC 20-430-45].
- In areas located upriver of lines defined in 4 VAC 20-430-45: recreational gill nets may not exceed 110 feet in length; both ends of a recreational gill net must be marked by a floating buoy of at least 3 ½" in diameter and floats and buoys of the gill net must be painted blaze or fluorescent orange; and must be removed from the water no longer than 1 hour after being set [4 VAC 20-430-45].
- **Buoys of any gill net used for recreational purposes must be marked with the licensee's last 4 numbers of his or her social security number or driver's license number (at least 1 inch high), precede by the letter "R" [4 VAC 20-670-40].**
- Any person licensed to use a recreational gill net must stay within 100 yards of their net when it is overboard [4 VAC 20-670-30].
- It is unlawful for any person to use a recreational gill net to catch and possess any species of fish whose commercial fishery is regulated by an annual harvest quota (includes black drum, black sea bass, bluefish, scup, speckled trout, striped bass, and summer flounder) [4 VAC 20-670-30].
- It is unlawful for any person using a recreational gill net to take and possess more than the recreational possession limit for any species regulated by such a limit. When fishing from any boat, using recreational gill net, the total possession limit shall be equal to the number of persons on board legally eligible to fish multiplied by the individual possession limit for the regulated species, and the captain or operator of the boat shall be responsible for adherence to the possession limit [4 VAC 20-670-30].
- It is unlawful for any person using a recreational gill net to take and possess any fish that is less than the lawful minimum size established for that species. When the taking of any fish is regulated by different size limits for commercial and recreational fishermen, that size limit applicable to recreational fishermen or to hook and line fishermen shall apply to the taking of that species by persons with recreational gill net licenses [4 VAC 20-670-30].
- Any person using recreational gill nets is required to report annually, on forms provided by the Commission, the weight and species harvested, location of harvest, days fished, and amount of gear used [4 VAC 20-670-50].

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Disclaimer: This summary is meant as a convenience for you to understand the various rules that apply to commercial and recreational fishing. These regulations are subject to change and the information seen on this summary may be inconsistent with current regulations. Please refer to Virginia Marine Resource Commission Regulations and Federal Code if there is any question as to the validity of these statements.